

City of Chicago
COMMISSION ON HUMAN RELATIONS

ADJUDICATION DIVISION

2019 Activity
Concerning Discrimination Cases
filed under the
Chicago Human Rights Ordinance
and
Chicago Fair Housing Ordinance



Chicago Commission on Human Relations
740 N. Sedgwick, Suite 400, Chicago, IL 60654
(312) 744-4111 (voice) – (312) 744-1088 (TTY) – (312) 744-1081 (fax)

Adjudication of Discrimination Complaints

The Commission's authority to adjudicate discrimination complaints is rooted in the Municipal Code's Commission on Human Relations Enabling Ordinance and the two corresponding anti-discrimination laws, the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance. The enforcement of these Municipal anti-discrimination ordinances, through complaints alleging discrimination, is carried out by the Adjudication Division.

The principal functions of the Division are:

- To receive and investigate complaints alleging violations of the Chicago Human Rights Ordinance and/or the Chicago Fair Housing Ordinance.
- To facilitate settlement of a pending complaint, where the parties are amenable.
- In collaboration with independent hearing officers and the Board of Commissioners, to determine, after investigation and hearing, whether discrimination occurred in violation of the Human Rights Ordinance or the Fair Housing Ordinance and to order remedies and related damages consistent with the outcome these findings.

The orders of the Commission's Adjudication Division and the rulings of the Board of Commissioners in discrimination cases carry the force of law. If the Board of Commissioners rules that discrimination occurred, it has the power to impose fines and order injunctive relief as well as the payment of out-of-pocket damages, emotional distress damages, punitive damages, attorney fees, and costs.

In investigating and adjudicating a discrimination complaint filed by a member of the public, the role of the Commission is neutral. Although Commission staff is available to answer questions about the adjudication process and related documentation, it does not serve as either side's lawyer, advisor, or advocate. It is not a prosecutor of the case. It does not take the side of either the complainant (the person who filed the complaint) or the respondent (the alleged violator).

Adjudication on the Web

See the Commission on Human Relations web site at www.cityofchicago.org/humanrelations for more information about Chicago's discrimination ordinances and their enforcement, including –

- Copies of the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance
- Copy of the Commission on Human Relations Enabling Ordinance
- The regulations governing enforcement of these ordinances
- Information on how to research Commission case law
- *A Board Rulings Digest* summarizing decisions about violations and remedies ordered
- *Information for Complainants* (in English and Spanish) to help individuals prepare, file, and prove a complaint.

- *Information for Respondents* (in English and Spanish) to help those accused of discrimination respond to a complaint
- A complaint form and frequently-used forms and templates for complainants and respondents
- Informational fact-sheets on various rights and obligations associated with either of the two anti-discrimination ordinances.
- Information about other discrimination laws and enforcement agencies

Also, see and “like” the Commission’s Facebook page for updates on our work, recent precedential decisions, relevant articles, and pictures of our staff delivering on our Mission around the City.

What is Discrimination?

Discrimination is conduct directed at an individual based on the perception or belief that, unlike others, a characteristic of that individual justifies subjecting her/him to negative conduct or commentary, also known as adverse treatment.

In general, to prevail in a discrimination case filed under the Municipal anti-discrimination ordinances, a complainant must be able to prove it was more likely than not, a standard known as “preponderance of the evidence,” that:

- The complainant was subjected to *adverse treatment* by individuals, businesses, or government entities (the respondent) required to comply with the respective ordinance.
- This conduct was based on respondent’s perception or belief that complainant possesses a specific characteristic that fits within one or more of the following *categories protected by the anti-discrimination ordinances*:

Race	Sex	Age (over 40)
Color	Sexual Orientation	Disability
National Origin	Gender Identity	Source of Income
Ancestry	Marital Status	Military Status
Religion	Parental Status	Credit History (employment only)
		Criminal History (employment only)

- The conduct was in one of the following *covered areas*:

Housing	Public Accommodations
Employment	Credit or Bonding Transactions

- The adverse action took place *in the City of Chicago*.
- The complaint was filed within *300 days* of the alleged discriminatory action.
- The complainant was treated differently *because of* his or her actual or perceived protected category, and not for other legitimate, non-discriminatory reasons.

Filing a Discrimination Complaint

Intake staff of the Adjudication Division are available from 9 AM to 5 PM, Monday through Friday to answer inquiries about filing a complaint, or to help clarify questions about the adjudication process. Those interested should telephone (312) 744-4111. Intake staff will assist the public with preparation of complaints on a walk-in basis between 9:30 – 3:00 PM. They also provide forms for self-preparation of complaints and filing by mail, facsimile, or electronic mail. There is no filing fee. Spanish speaking staff, and interpreter services in other languages, are also available on an as-needed basis.

How Cases Proceed

Individuals who believe they have been subjected to discrimination as defined in the Municipal anti-discrimination ordinances may file written complaints with the Commission following a prescribed format. After a complaint is duly filed, the Commission notifies each named respondent and sets a deadline to submit a written response and any documents that support the respondent's position. The complainant also receives a deadline to reply to any response and to submit any documentation that supports the allegations of the complaint.

Although settlement is not an option for everyone, where the parties are amenable to it, the Commission can facilitate settlement discussions regarding a pending complaint. Settlement is voluntary. The Commission does not propose or advocate particular settlement terms, but staff may assist in the drafting of the agreed terms of a settlement for parties to sign.

If the case does not settle or otherwise close at the pleading stage, the investigator completes any additional evidence-gathering that may be needed and compiles the evidence for review by senior staff of the Commission. The investigation of claims usually consists of interviewing witnesses and examining relevant documents or physical evidence. The investigator may seek information about the experiences of other people whose situations are comparable to the complainant's. Investigators may conduct site visits when appropriate to the case. The Commission has subpoena power along with the power to sanction parties that fail to cooperate with the investigation.

Once an investigator has gathered all of the evidence relevant to a particular claim, s/he compiles this material for consideration by a Compliance Committee of Commission senior staff who determines whether or not there is "substantial evidence" of discrimination. A finding of substantial evidence does not mean the complainant has won the case, but only that there is enough evidence of a violation for the case to go forward. If the Compliance Committee finds no substantial evidence of an ordinance violation, it dismisses the case. The complainant may request a review of the dismissal.

If the Commission finds there is substantial evidence of discrimination (or retaliation if applicable), it notifies the parties that the case will proceed to an administrative hearing. The parties have the option of settling the case prior to the hearing.

The administrative hearing is a trial, but somewhat less formal than in a court. A hearing officer is appointed by the Commission from a pre-selected panel of experienced, civil rights attorneys. The hearing officer presides over the hearing and manages the pre-hearing and post-hearing process. Commission staff do not prosecute the case or represent the complainant at this hearing. If the parties want legal representation, they must secure an attorney themselves. Respondents who are incorporated are required to be represented by a licensed attorney during the administrative process.

It is entirely the complainant's responsibility to prove the case and to prove entitlement to injunctive and monetary relief as well as any attorney fees and costs. Pre-hearing discovery and subpoena procedures are available to the parties to aid in obtaining evidence to support their positions.

Based on the hearing officer's recommendation and the hearing record, the Board of Commissioners makes the final determination as to whether the complainant has proved that the respondent violated the Chicago Human Rights Ordinance or the Chicago Fair Housing Ordinance. If the Board rules that there has been a violation, it also determines what relief will be awarded to the complainant.

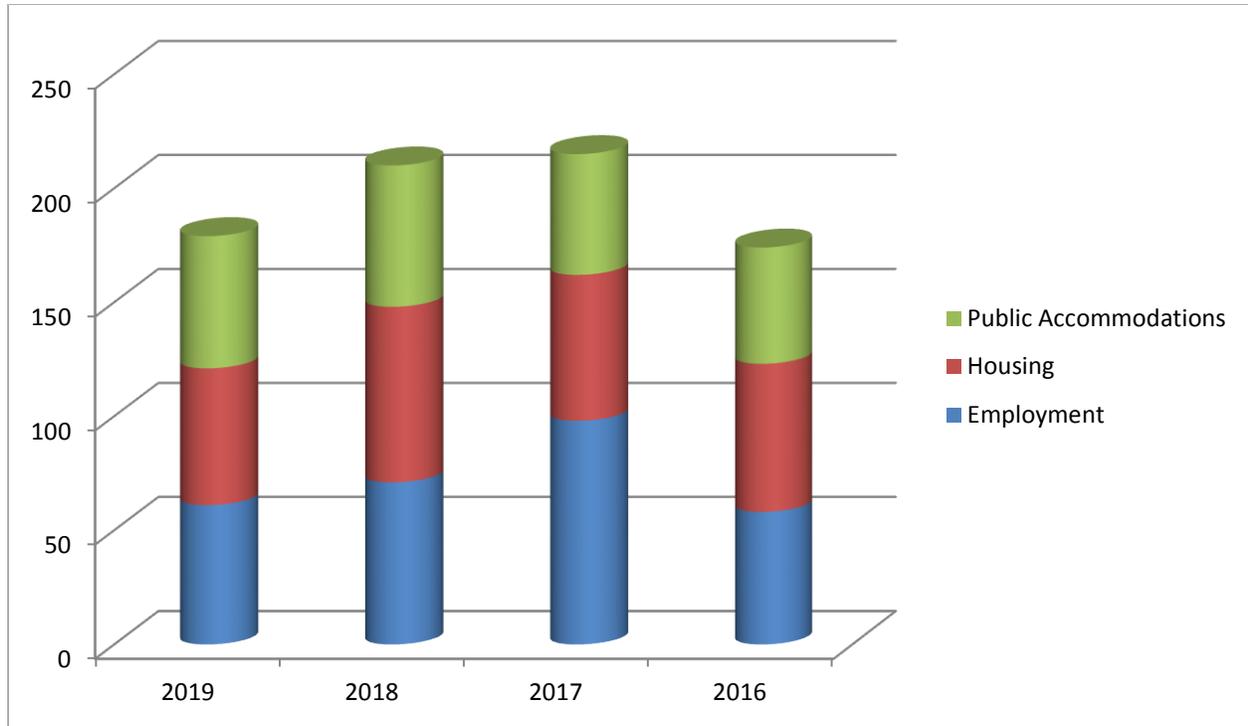
Relief may include a fine for each violation, an order to take steps to eliminate discriminatory practices (injunctive relief), an award of damages to be paid to the complainant, and an order to pay the prevailing complainant's attorney fees and related costs. Final orders awarding or denying relief have the force of law, can be appealed to the state court on a *certiorari* petition, and are enforceable by obtaining a state court judgment.

Discrimination Claimed in New Complaints

The percentage figures in the table below show the percentage of total *complaints* in each of the four respective areas filed in 2019 which contained a *claim* of discrimination on the basis named. A complaint may claim discrimination on more than one basis (e.g. sex and age) arising out of the facts alleged. Thus the number of claims usually exceeds the number of complaints.

PROTECTED CLASS	Housing	%	Employment	%	Public Accom.	%	Credit	%	Total Claims	%
Race	10	17%	31	50%	22	38%	0		63	22%
Color	2	3%	3	5%	6	10%	0		11	3%
National Origin	3	4%	3	5%	0		0		6	2%
Ancestry	1	1%	4	6%	1	2%	0		6	2%
Religion	1	1%	0		0		0		1	>1%
Sex	5	8%	11	18%	9	15%	0		25	9%
Sexual Orientation	3	4%	5	8%	11	19%	0		19	6%
Gender Identity	1	1%	1	1%	5	8%	0		7	2%
Marital Status	0		0		0		0		0	
Parental Status	3	4%	3	5%	0		0		6	2%
Age	5	8%	13	21%	4	7%	0		22	7%
Disability	20	33%	14	23%	20	34%	0		54	19%
Source of Income	36	60%	0		1	2%	0		37	13%
Military Status	0		0		0		0		0	
Credit History	N/A		0		N/A		N/A		0	
Criminal History	N/A		0		N/A		N/A		0	
Retaliation	6	10%	19	31%	5	8%	0		30	10%

Number of Complaints Received by Type



<u>Year</u>	<u>Employment</u>	<u>Housing</u>	<u>Public Accommodations</u>
2019	61	60	58
2018	71	77	62
2017	98	64	53
2016	58	65	53

Trends in Discrimination Claims

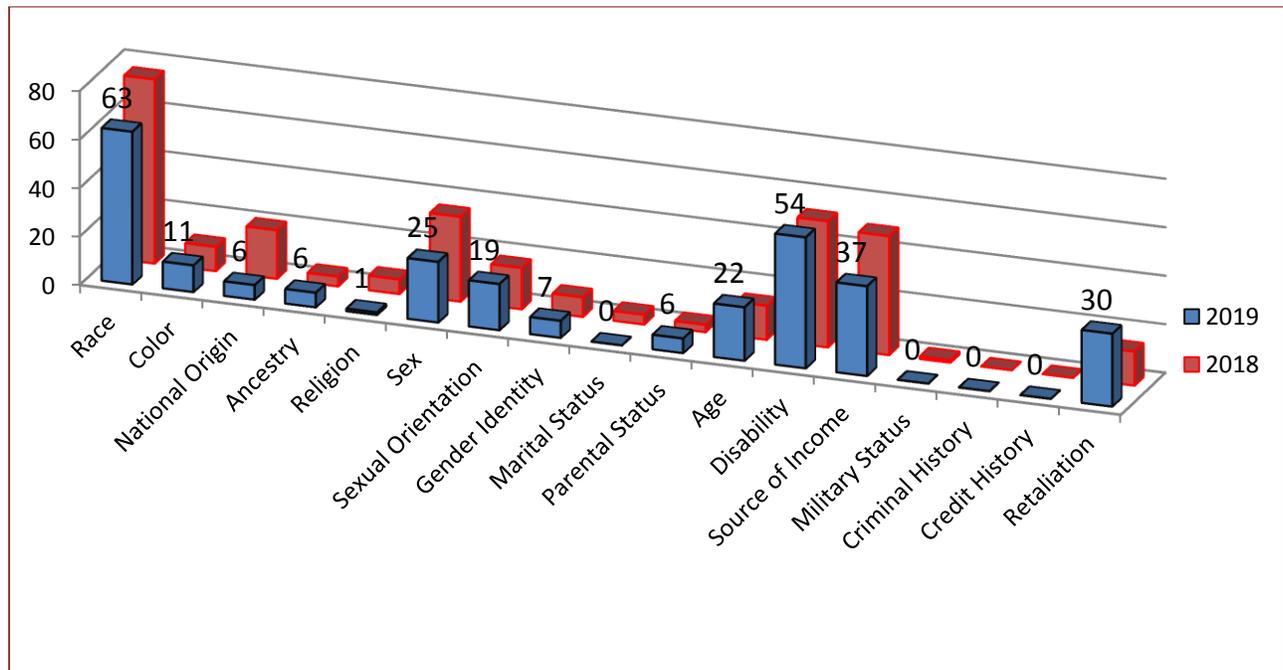
The number of complaints the Commission receives in a given year may be dependent upon many factors, including the economy, social and political movements (such as the #MeToo movement), the availability of housing, as well as access to public subsidies such as Housing Choice Vouchers. Even the weather can play a role in the number of complaints received by the Commission, given that most complaints are filed in-person by individuals who come to the Commission's office.

In 2019, the Commission received roughly 15% fewer complaints of discrimination than it received in 2018. While these sorts of fluctuations in overall number of complaints are not unusual, what is unusual is that in 2019, the Commission received roughly the same number of complaints in the areas of housing, employment, and public accommodations. As the charts below show, in looking at the complaints received by the Commission since 2016, housing or employment always received the most

complaints, with public accommodations sometimes a distant third. This year, however, all three areas – housing, employment, and public accommodations – received nearly the identical number of complaints. The number of public accommodation complaints received by the Commission has remained relatively steady over the past five years. This leveling off of the complaint numbers among the three areas is the result of a decrease in employment and housing discrimination complaints.

The overall decrease in the number of discrimination complaints received by the CCHR is part of much larger national trend. For example, according to statistics available from the Administrative Office of U.S. Courts, in United States District Courts throughout the country, the number of discrimination complaints filed between 1998 and 2018 dropped from a total of 23,299 to 14,948, a decline of 36%. Likewise, the Illinois Department of Human Rights (IDHR) has seen a similar decline in the number of charges of discrimination it has received, from 4,066 in 1998 to 2,601 in 2018 – again, a roughly 36% decline. One explanation for this overall decrease in the number of discrimination complaints may be that discrimination is becoming more difficult to spot. Employers, landlords, and other business owners are becoming more adept at preventing discrimination, but also at hiding it when it occurs, which in turn makes discrimination complaints harder to prove.

Total 2019/2018 Discrimination Claims by Protected Category



Trends by Complaint Type

EMPLOYMENT

As noted above, 2019 was an unusual year in that no one area of discrimination (employment, housing, or public accommodations) received a clear majority of total complaints at the Commission. Historically, employment discrimination claims have made up the majority of the Commission's complaints. However, employment discrimination complaints received by the Commission have been on a clear downward trend. This decrease could be attributable to a number of factors, including employers developing better internal policies to identify possible discriminatory practices before they escalate to the point that an employee files a complaint. The decrease in employment discrimination complaints also appears to be part of larger trend in Illinois and nation-wide, which has seen an overall decline in complaints received by the Illinois Department of Human Rights (down approximately 17% from 2017 to 2018) and the EEOC (down approximately 10%).

One noteworthy statistic with regard to the number of employment discrimination complaints received by the Commission is the increase in complaints alleging retaliation. Prior to an ordinance change that took effect on January 23, 2019, the Commission only had jurisdiction over retaliation complaints where individuals were retaliated against after filing complaint with the Chicago Commission or participating in a Commission investigation. This was much narrower than the anti-retaliation protections in Title VII or the Illinois Human Rights Act, which protect individuals who oppose or complain of discrimination, regardless of whether they first filed a complaint with an administrative agency. The Commission frequently had to refuse to take complaints, or dismissed complaints, where an individual had clearly and unequivocally complained to his or her employer about discrimination, and subsequently been disciplined or discharged. The change to the ordinance that took effect in January 2019 brought the protections offered by the Chicago Human Rights Ordinance in line with the protections of analogous state and federal statutes. With this amendment, the Commission has been able to close this gap in coverage and to expand anti-retaliation protections for all Chicagoans.

This change important change in the law was reflected in the number of retaliation complaints that the Commission was able to accept in 2019 – a total of 30 claims, as compared to just 14 in 2018.

HOUSING

In 2019, the Commission received 60 complaints alleging housing discrimination. This number represents a decrease of about 22% from 2018, when 71 such complaints were filed. As has been the trend for the past several years, the majority of the 60 housing complaints – 36 complaints (or 60%) – alleged source of income discrimination, most of which involved Housing Choice Vouchers, also known as Section 8 Vouchers. In 2019, the Commission worked to address the prevalence of source of income discrimination in housing through targeted outreach to landlords and property managers.

Beyond source of income, disability and race discrimination were the next most frequent claims in the area of housing, with 33% and 17% respectively of the overall housing discrimination complaints. All other types of discrimination were claimed in 10% or fewer of new housing discrimination complaints.

PUBLIC ACCOMMODATIONS

Out of the 58 public accommodation complaints received in 2019, race and disability were the most cited bases of discrimination, which is typical of complaints filed in prior years. The remaining types of discrimination were claimed in 10% or fewer of public accommodation complaints received by the Commission.

CREDIT OR BONDING TRANSACTIONS

Discrimination in credit transactions and bonding has never been the subject of many complaints. The Commission has not received a complaint of discrimination in the area of credit since 2016.

Evaluating Complaint Data

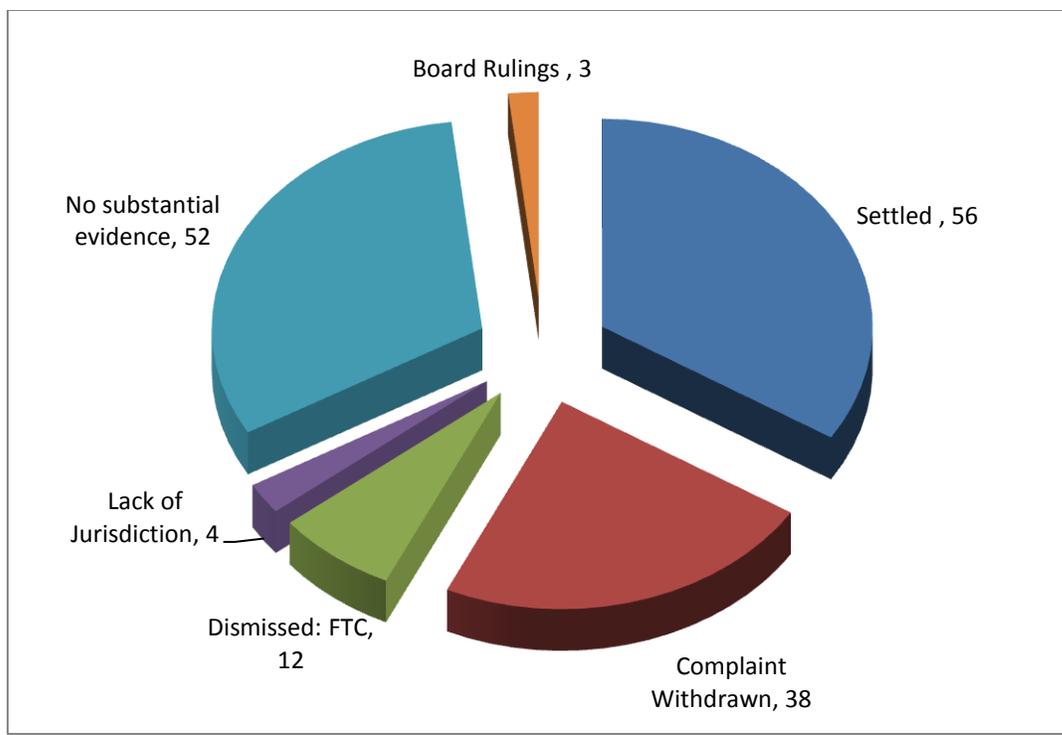
In considering the meaning of the data on discrimination complaints presented in this report, a few points should be kept in mind:

- The value of Chicago's enforcement structure is in making a *fair, neutral complaint and adjudication process readily available to anyone* who believes he or she has been subjected to discrimination in violation of Chicago's ordinances.
 - Every properly-filed complaint which a complainant chooses to pursue will be investigated and ruled upon according to established procedures and legal standards.
 - Businesses and individuals accused of discrimination have the opportunity to present their defenses under the same neutral process.
 - Although the Commission implements City policy which strongly opposes discrimination, it is careful to impose the City's powerful remedies only when justified by the evidence and applicable law.
 - At the same time, the Commission encourages utilization of its complaint filing and adjudication system so that accusations of discrimination can be resolved fairly according to the law and discriminatory conduct can be remedied and deterred.
- Complaint-filing data does not measure the amount of discrimination that actually occurs in Chicago, for several reasons:
 - There can be many reasons victims of discrimination may not pursue a legal remedy, including lack of knowledge of the laws and remedies, inability to devote time and resources to pursuing a case, and concern about the public nature of the process.
 - At the time a complaint is filed, the Commission has made no decision about whether the facts alleged are true or whether the claims have legal merit. The investigation

and adjudication process is the way the Commission reaches such decisions.

- Many types of discrimination violate federal, state, or county anti-discrimination laws, in addition to Chicago's ordinances. People can choose to file claims under one or more of the available laws, which may vary in their coverage as well as their procedures. Thus the Commission's filing data reflects only a portion of the legal claims alleging that discrimination occurred in Chicago.
- Nevertheless, complaint-filing data can offer insight into what types of discrimination people believe they are experiencing as well as what types of claims people bring to the Commission on Human Relations.
- Chicago's ordinances and enforcement mechanisms offer (1) some unique coverage not available under federal or state laws, and (2) an enforcement system that is Chicago-focused, highly accessible, and linked to other City government initiatives.
- For example, a strength of local anti-discrimination ordinances has been the ability to fill gaps in state and federal laws and to take the lead in addressing additional types of discrimination.
 - Only the Chicago and Cook County ordinances cover all employers and housing providers regardless of size.
 - Federal anti-discrimination laws still do not explicitly cover sexual orientation or gender identity discrimination, an area in which Chicago was a leader when it enacted the present Human Rights and Fair Housing Ordinances and later amended them.
 - Only Chicago imposes anti-discrimination obligations on Chicago employers with fewer than 14 employees with respect to hiring restrictions based on criminal history
 - The Commission is the only place where source of income complaints can be filed when the discrimination takes place in Chicago

Disposition of Cases Closed in 2019



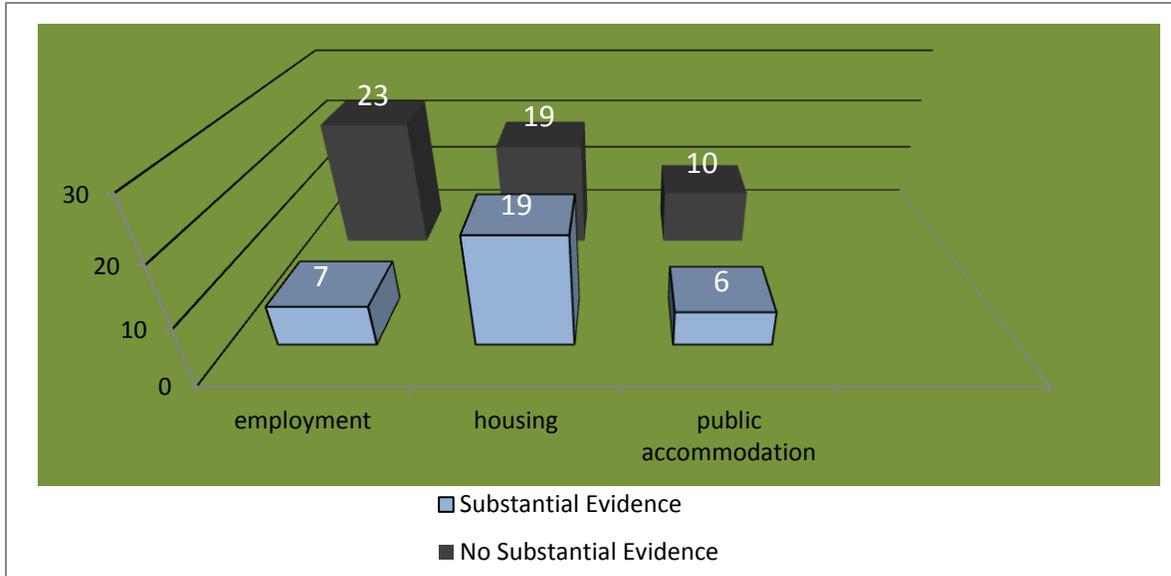
Substantial Evidence Findings

During 2019, 30 complaints advanced to the administrative hearing stage after a finding of substantial evidence that an ordinance violation had occurred. This represents 17% of the 170 dispositions of cases at the investigation stage.

A finding of substantial evidence is a preliminary legal ruling which means there is sufficient evidence, if believed, to support a final ruling that an ordinance violation occurred. A substantial evidence finding allows a case to advance to the administrative hearing process and a Board of Commissioners ruling on liability and relief. To obtain relief, it remains the responsibility of the complainant to prove the case at a public administrative hearing, where any respondent not held in default is allowed to present a defense.

Below is a depiction of 2019 completed investigations by substantial evidence determination and case type:

Findings after Full Investigation

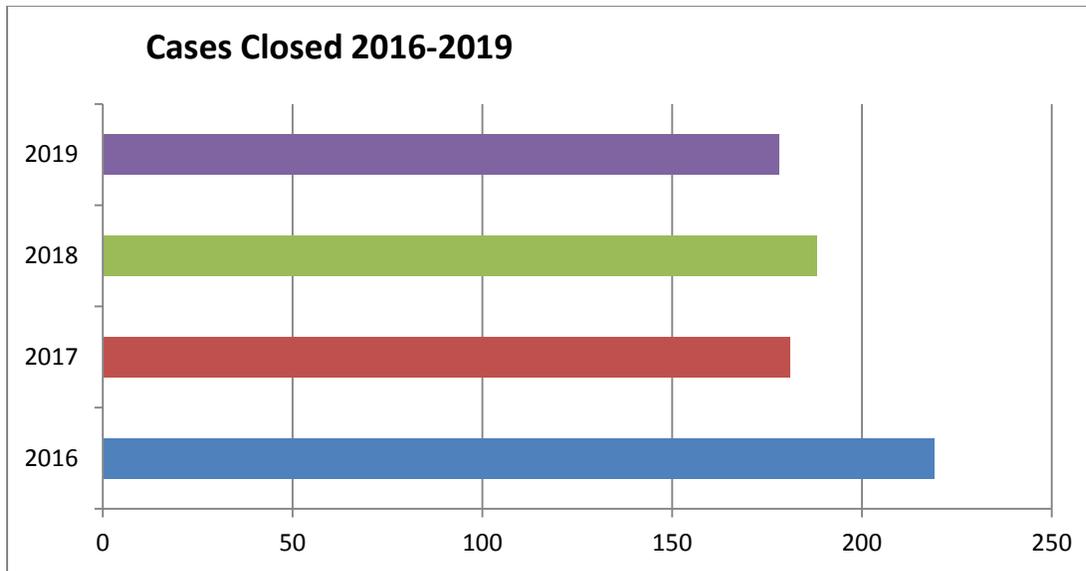


The table below illustrates the flow of complaints from the investigation stage to the hearing stage in recent years. It also illustrates the proportion of pending cases in each stage of adjudication at the end of each year. Between 2007 and 2009, a relatively high number of cases proceeded to the hearing and final ruling process after investigation. As the number of cases advancing to the hearing stage fell back to more typical levels, the number pending in the hearing stage soon dropped accordingly. These levels can vary because it is difficult to predict how many complaints will be filed or how many cases will be active in the hearing stage during a given period of time.

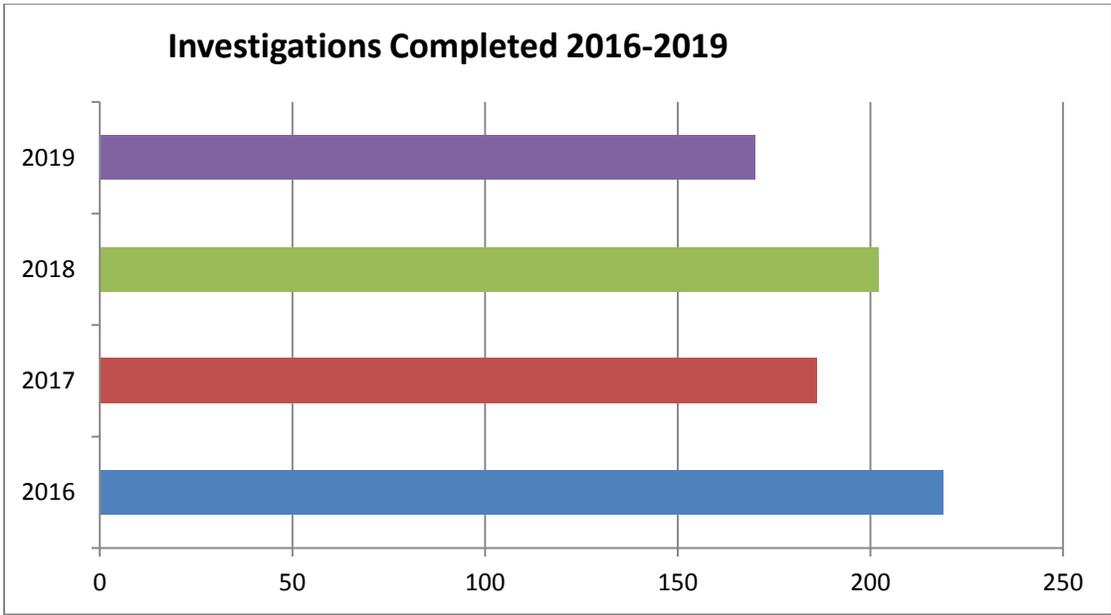
Stages of Complaints	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Pending Complaints (at year-end)	259	256	240	259	225	202	216	164	202	198	202
In Investigation Stage	209	220	217	238	206	164	183	129	164	166	176
In Hearing Stage	50	36	23	21	19	38	33	36	38	32	26
New Complaints	259	299	267	249	261	246	265	176	215	210	179
Complaints Forwarded to Hearing	62	37	28	29	33	64	41	39	39	40	30

Comparative Data Regarding Case and Investigation Closures

The tables below illustrate the number of cases closed each year between 2016 and 2019, as well as the closure of investigations, and finally the timelines for closing investigations. These levels can vary because it is difficult to predict how many complaints will be filed or how many cases will be active in the hearing stage during a given period of time.

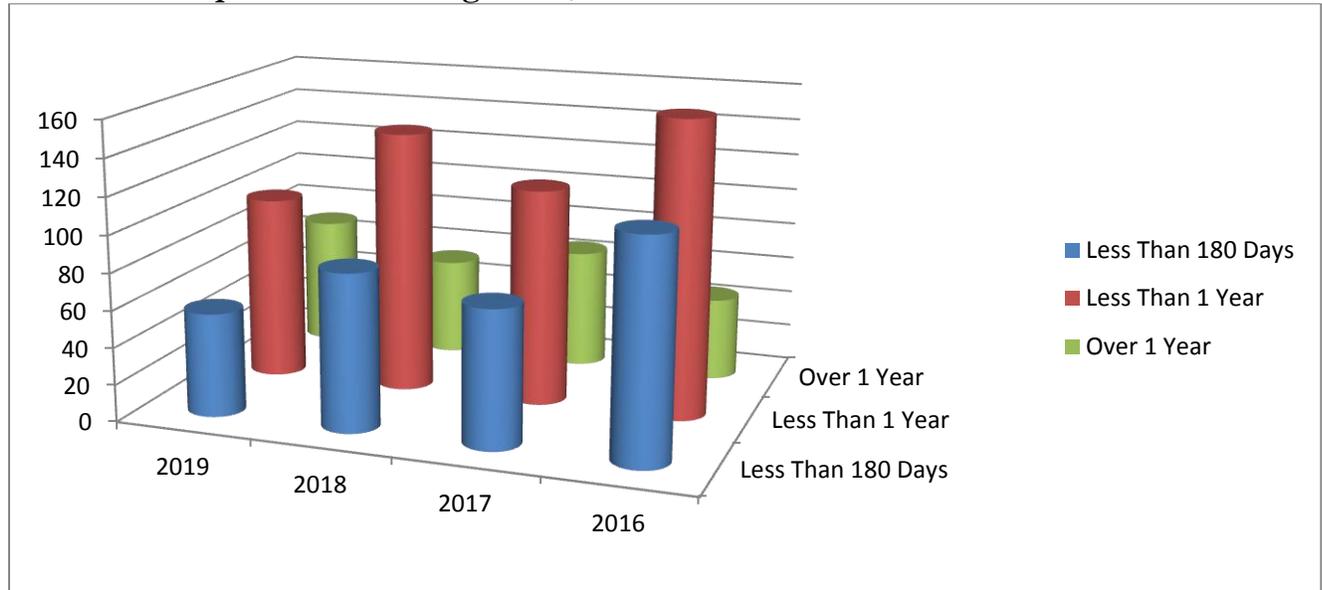


<u>Year</u>	<u>Cases Closed</u>
2019	178
2018	188
2017	181
2016	219



<u>Year</u>	<u>Investigations Closed</u>
2019	170
2018	202
2017	186
2016	219
2016	36

Time for Completion of Investigations, 2016-2019



<u>Year</u>	<u>Less Than 180 Days</u>	<u>Less Than 1 Year</u>	<u>Over 1 Year</u>
2019	56	100	70
2018	85	142	53
2017	74	117	65
2016	118	160	45

Hearing Stage Activity

In 2019, the Commission advanced a total of 30 cases to the hearing stage, following a finding of substantial evidence. This was below the number advanced to the hearing stage during 2018, of 40. As in past years, approximately 20% of the Commission's closed investigations were advanced to the hearing stage.

Of the cases advanced to a hearing in 2019, only 2 actually went to a full hearing in 2019, while 2 resulted in default hearings. In 2019, the Commission held 31 settlement conferences before one of the Commission's independent mediators. Of those cases, 21 either settled or were dismissed based on the complainant's failure to cooperate with the process. The remaining cases carried over to the following year. At the end of 2019, 26 cases remained pending in the hearing stage.

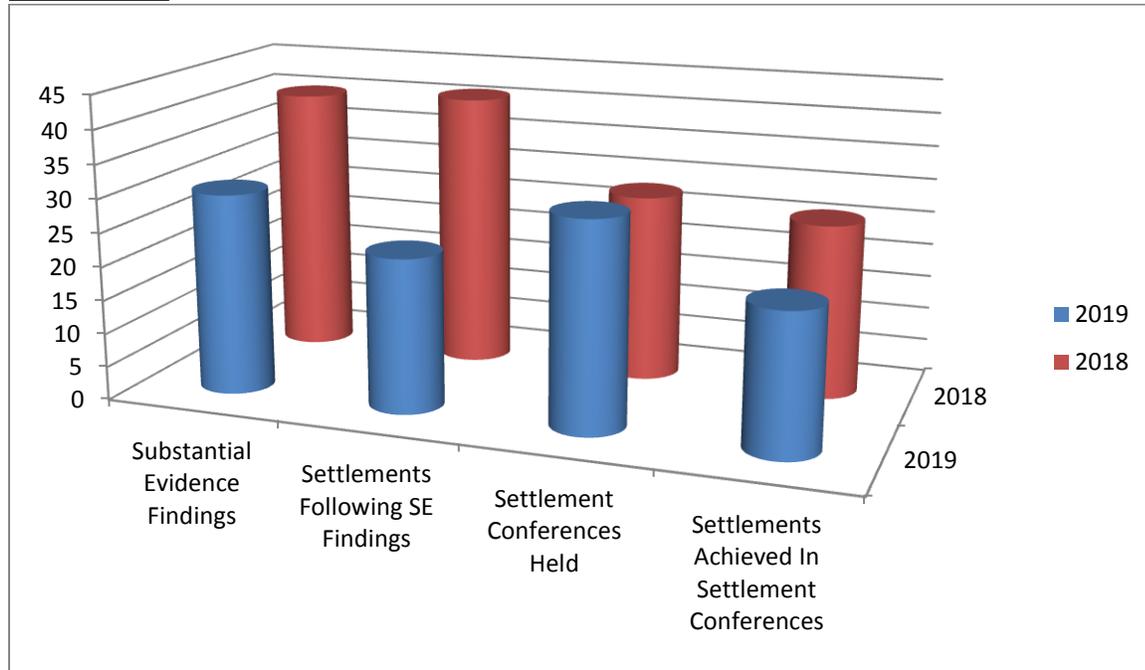
Settlement of Complaints

A substantial number of discrimination cases closed due to settlement between the parties. The Commission values settlement of discrimination complaints consistent with its larger strategy to encourage the voluntary resolution of differences where possible. Settlement may occur prior to

completion of a full investigation or after a case has advanced to the hearing process. In 2019, the Commission made greater use of its mediation program. The graph below shows a comparison between settlement activity in 2018 and 2019.

	<u>2019</u>	<u>2018</u>
Substantial Evidence Findings	30	40
Settlements Following SE Findings	23	41
Settlement Conferences Held	31	28
Settlements Achieved In Settlement Conferences	21	26

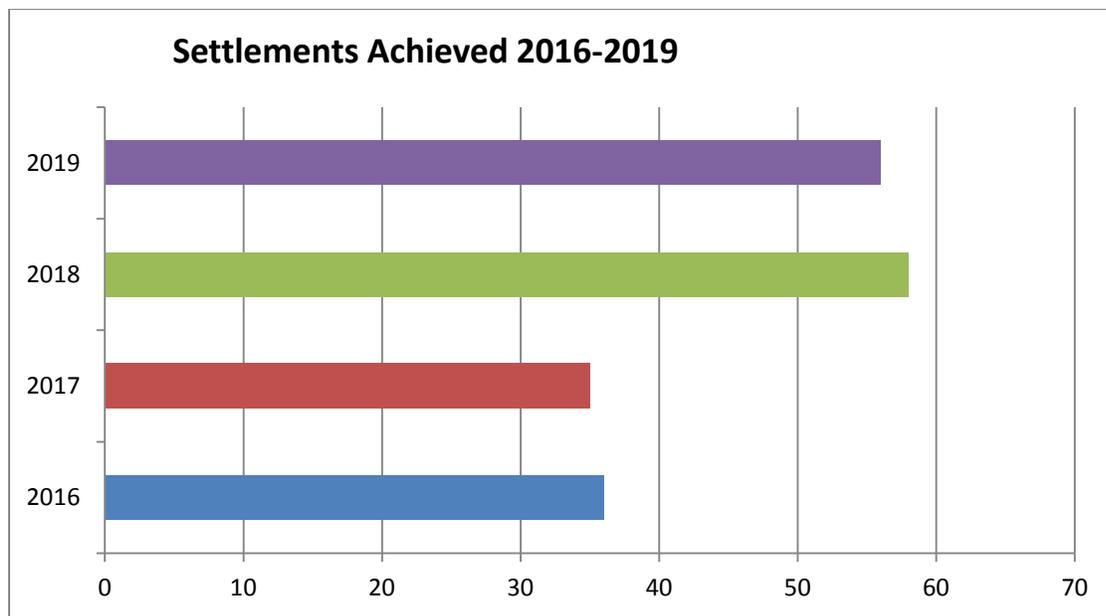
Resolutions



Settlement is voluntary between the parties. When cases settle, the respondents do not admit liability and the Commission does not decide whether a violation actually occurred. The Commission is not a party to the settlement and does not require or advocate particular settlement terms. However, Commission staff, independent mediators, and hearing officers do encourage parties to try to settle their disputes and may facilitate the process. The Commission is authorized to order parties to participate in a confidential settlement conference conducted by one of its independent mediators. The Commission typically does this after a substantial evidence finding but before appointment of a hearing officer, if there appears to be settlement potential.

Settlement terms vary, and because the majority of settlements are concluded as private agreements between the parties, the Commission often does not know the terms including the monetary value to

complainants. To encourage settlement in the future, the Commission does not announce the terms of particular settlements, although parties may choose to do so if they have not agreed among themselves to keep the terms confidential.



<u>Year</u>	<u>Settlements Achieved</u>
2019	56
2018	58
2017	35
2016	36

Board Rulings

Administrative hearings are held before independent hearing officers appointed by the Commission from a pre-selected roster of attorneys with expertise in civil rights law and litigation. The hearing officer manages the pre-hearing process, assesses credibility, makes findings of fact, and issues a recommended decision which the Board considers as the basis for its final ruling on liability and relief. If a prevailing complainant was represented by an attorney, a second recommended and final ruling determines the amount of the attorney fees and related costs the respondent will be ordered to pay.

Board rulings are written legal opinions which explain the basis for the decision. They are available to the public and establish precedents for future Commission decisions. The *Board Rulings Digest* is a Commission publication listing all Board rulings entered after administrative hearings. The latest update of the *Board Rulings Digest* is available on the Commission’s website or on request from the office.

Prado v. Triview Property Management, 16-H-21. In this housing discrimination case, Complainant alleged that she was discriminated against by the property management company for the townhome development where she resided based upon her Mexican ancestry. In particular, Complainant was fined by Respondent for displaying her children's artwork on her front door and window, in violation of the development's rules. Complainant alleged that the artwork was an expression of her family's Mexican ancestry and that the fines were discriminatory. The Board adopted the hearing officer's recommended decision, which held that Complainant failed to prove that Respondent was aware of her ancestry when the fines were issued or that she was treated less favorably than other tenants who were not of Mexican ancestry but were also issued fines for similar displays of artwork. As such, the Board found that Respondent was not liable for discrimination against Complainant.

Shipp v. Chicago Realty Consulting Group, LLC, 12-H-31. In this housing discrimination case, Respondent Chicago Realty Consulting Group was found in default as to Complainant's claim that she was discriminated against based on her source of income. Specifically, Complainant, who is a housing choice voucher holder, was denied the opportunity to rent an apartment in the Beverly area by one of Respondent's real estate agents. The agent told Complainant, both in an email and a phone call, that the owner of the apartment did not wish to work with housing choice voucher holders. The Board adopted the hearing officer's recommended decision, awarding the following relief: payment to the City of Chicago of fines of \$1,000 by Respondent Keller Williams, and \$500 by Mr. Ezekiel Morris to the City of Chicago; payment to Complainant of emotional distress damage in the amount of \$750; payment to Complainant of punitive damages in the amount of \$5,000; payment of interest on the foregoing damage awards from the date of violation on April 22, 2012, as set forth in Rule 240.700; and reasonable attorney's fees to Complainant.

Morales v. Becovic, 18-H-51. In this case, the Respondent, Becovic Management Group, failed to respond or in any way participate in the investigation and adjudication of Complainant's claim of housing discrimination. Complainant, Aloma Morales, alleged that she was discriminated against based on her race and source of income when Respondent failed to timely respond to or process her request to rent an apartment in one of its properties after learning that she was a Housing Choice Voucher holder. Following a hearing on Complainant's claims and damages, the hearing officer concluded that Complaint met her prima facie burden of proving discrimination based on source of income, but she did not offer any evidence for discrimination based on her race. The hearing officer recommended damages, which the Board adopted, in the following amounts: \$1,216 for out-of-pocket damages, \$10,000 for emotional distress damages, \$5,000 in punitive damages, pre and post-judgment interest, a fine to the City of \$1,000, and injunctive relief in the form of changes to Respondent's website.

CCHR Adjudication – Projects and Initiatives

Focus on Fair Housing

The Commission has long supported the position that housing is a human right. The Commission's goal in enforcing the Chicago Fair Housing Ordinance is to prevent discrimination from being a factor in limiting any resident's right to housing in Chicago. To further this purpose, the Commission has

been actively engaged in a several initiatives to protect and promote fair housing.

Aggressive Monitoring of Discriminatory Apartment Listings

In 2019, Commission's Adjudication Division began to proactively seek out discriminatory online advertisements for housing that explicitly state, "No Section 8" and other phrases that discriminate against potential tenants based on their lawful source of income (i.e. Housing Choice Vouchers). When the Commission becomes aware of a possible ordinance violation such as this, it has been making good faith efforts to resolve any alleged ordinance violation prior to the filing of a complaint. For example, the Commission became aware of a real estate firm that had multiple listings for apartments in Chicago with discriminatory "No Section 8" language in the ads. The Adjudication staff was able to contact the company and the individual real estate agent who placed the ads to educate them on the requirements of the Fair Housing Ordinance which led to the discriminatory ads being taken down.

Fair Housing Testing and Training

Discrimination against Housing Choice Voucher holders (i.e. Section 8) is the most prevalent form of housing discrimination that the Commission sees each year. The Commission is continuing to address this issue through our 2019 -2020 Fair Housing Testing and Training Project. Roosevelt University and John Marshall Law School are serving as consultants on this project, and the CHA is a partnering with the Commission.

The project has two components. The first consists of conducting phone and in-person tests for discrimination based on source of income (Housing Choice Vouchers) and race in four community areas. The testing has been recently completed. In the first quarter of 2020 the second phase of the project, fair housing training for landlords and other real estate professionals, will take place. The goal of the project is to identify communities where discrimination in renting is occurring so the Commission can follow up with training to educate landlords on the fair housing laws.

Cook County Regional Assessment of Fair Housing

The Commission is the city's representative on the Cook County Regional Fair Housing Assessment workgroup. For many years, CCHR played a lead role in producing the city's Analysis of Impediments to Fair Housing which was produced every five years. The analysis examines multiple factors that impact fair housing including discrimination, segregation, gentrification, affordability, accessibility, and demographic trends. The report also provides recommendations to address these problems. In 2019, Cook County, the City of Chicago and the CHA agreed to join efforts to produce a regional fair housing assessment which was being urged by HUD under the Obama administration. Since that time, the workgroup has expanded to include several jurisdictions representing suburban Cook County, nine (9) public housing authorities, and a host of community partners. Working with Enterprise Partners as the lead consultant on the project, the assessment will be completed in the spring of 2020.

Just Housing Amendment

The Commission, in conjunction with the City's Department of Housing and Law Department, is currently at work on an amendment the Chicago Fair Housing Ordinance that would add "covered

criminal history” as a protected category in area of housing. This proposed change to the Fair Housing Ordinance seeks to address the difficulties faced by many people with criminal records in finding and securing stable housing. The amendment adds language to the Fair Housing Ordinance prohibiting potential landlords or property owners from asking about, considering, or requiring the disclosure of “covered criminal history,” until the potential tenant has been deemed qualified for the property. The proposed amendment would also create a process for property owners who seek to deny housing to a tenant with a criminal history to give notice to the potential or current tenant.

Disparate Impact Claims in Housing

The U.S. Department of Housing and Urban Development (HUD) is now escalating its fight against fair housing by attempting to gut a critical legal tool to fight housing discrimination: the Disparate Impact Rule. Disparate Impact provides the framework for challenging policies which have an effect of discriminating against members of a protected class. For example, the tool has been used to hold predatory lenders who contributed to the foreclosure crisis accountable and challenge excessive conviction record screening policies. Disparate impact analysis is applied in cases where a neutral rule or policy is applied across the board, but has an adverse impact on a specific group or groups. The CCHR has applied the disparate impact rule in many cases, particularly with regard to policies by landlords and property owners that result in discrimination against Housing Choice Voucher holders. On October 18, 2019, the CCHR sent a letter to HUD, voicing its strong opposition to the proposed changes that would weaken the disparate impact rule by making it easier for housing providers to discriminate without accountability.